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**PATENT**

Docket No.: 28111/32729E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: McCafferty *et al.*

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Filed: November 3, 2000

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) Washington, D.C. 20231, on this date  
)  
) June 20, 2001

Group Art Unit: 1627

) June 20, 2001

Examiner: P. Ponnaluri

Nabeela R. McMillian  
Reg. No.: 43,363  
Agent for Applicants

**RESPONSE TO RESTRICTION REQUIREMENT**  
**DATED MAY 21, 2001**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This paper is filed in response to an Official Action received in the above-identified application, which required restriction to a group of claims. This response is due June 21, 2001. No fees are believed to be due, however, should any fees be deemed necessary in connection with the filing of this document, the Assistant Commissioner is hereby authorized to deduct any such fees deemed due from Marshall O'Toole Gerstein Murray and Borun account number 13-2855.

The Examiner advanced a 3-way restriction requiring Applicants to elect one of the groups chosen from :

**Group I:** Claims 44-47 and 50 drawn to a phagemid comprising a DNA encoding polypeptide-coliphage pIII fusion protein;

**Group II.:** Claims 48-49 drawn to process;

**Group III:** Claim 51 drawn to a method of screening for binding ligands.

Applicant hereby provisionally elect Group I, claims 44-47 and 50. This election is made *with traverse* for the reasons discussed herein below.

The pending claims in the instant application were copied from U.S. Patent 5,985,588. This reference already is of record in the instant application as document A17 of form 1449 submitted November 3, 2000. However, a copy of this patent is attached herewith for the Examiner's convenience. In light of the fact that Applicants have copied these claims within a year of the grant of the aforementioned patent as required by 35 U.S.C. §135(b) and may wish to exercise an option to invoke an interference, Applicants request that the Claims of Groups I through IV be examined together.

Should the Examiner have any further questions regarding this matter she is invited to contact the undersigned representative.

Respectfully submitted

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June 20, 2001

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